THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15923 OF 2006

DATED: 20TH SEPTEMBER, 2006.

Between :

Reddy Satish .. Petitioner

And

Union of India, rep. by Regional Passport Officer, Ministry of External Affairs, Secunderabad. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15923 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the action of the respondent in not correcting the date of birth of the petitioner in his Passport bearing No.F 1157173, dated 14-10-2004 as arbitrary and illegal.

The petitioner states that he was issued a passport on 14-10-2004 in which the date of birth was wrongly mentioned as 4-9-1980. The petitioner states that his correct date of birth is 4-8-1980. However, it was mistakenly shown as 4-9-1980 in the passport. Accordingly, he made an application before the respondent to correct the said mistake on the basis of the Secondary School Certificate issued to him by the Board of Secondary Education, A.P., Hyderabad. However, the respondent by letter dated 3-2-2006 informed the petitioner to get a declaratory decree from the Civil Court for change of date of birth. Hence, this writ petition.

In spite of service of notice in the writ petition, which was served on the respondents 2-8-2006, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after

verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application with the relevant documents to establish his correct date of birth, in which event the same shall be considered in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law within a period of four weeks from the

date of receipt of the representation.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

20th September, 2006.

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.